IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI.W.P.NO.765 OF 2006

1. Manish Jaswantlal Shah
2. Bhavana Manish Shah ...Petitioners

Vs.

The State of Maharashtra ...Respondent

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Mr.Nitin Pradhan Senior Advocate with Ms.Shubhada Khot Advocate for Petitioners
Mr.A.S.Gadkari,A.P.P. for State
Mr.Jayesh Yagnik Advocate for Respondent No.2

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CORAM: D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.

DATE : MAY 2,2006

P.C.(PER SMT.V.K.TAHILRAMANI,J.):

1. Heard Mr.Nitin Pradhan, the learned counsel for the Petitioners, Mr.Gadkari, the learned A.P.P. for the State and Mr.Yagnik, the learned counsel for the Respondent No.2 i.e. original complainant. Petitioner No.1 is the original accused in the complaint filed by Respondent No.2.

2. Petitioner No.1 who is 25 years of age, eloped with Petitioner no.2 Bhavana aged 22 years who is the daughter of the Respondent No.2. As the

Petitioner No.1 had eloped with his daughter, Respondent No.2 had lodged the complaint against the Petitioner No.1 which was registered as C.R.No.62 of 2006 at V.P.Marg Police Station, Mumbai. The petitioners are seeking quashing of the said complaint and proceedings relating thereto.

3. Mr.Jayesh Yagnik, the learned counsel for the Respondent No.2 i.e. original complainant has stated that he has verified that his daughter Bhavana petitioner no.2 has got married to petitioner no.1 and that she is residing happily with him. In this view of the matter, it is stated on behalf of Respondent no.2 that now Respondent No.2 has no grievance against petitioner no.1 and he does not wish to pursue his complaint. It is an admitted fact that when the petitioner no.1 eloped with Petitioner no.2 Bhavana, she was an adult.

4. In view of the fact that the Petitioner Nos.1 and 2 have got married and Respondent No.2 complainant does not wish to pursue his complaint, in our view, no purpose would be served by continuing with the proceedings relating to F.I.R.

vide C.R.No. 62 of 2006 lodged at V.P.Marg Police Station. Looking to the fact that the complainant does not wish to pursue his complaint and in order to maintain peace and harmony between the parties who are now closely related, hence, in the interest of justice and in view of the decision of the Supreme Court in the case of **B.S.Joshi and another Vs. State of Haryana and another reported in Judgment Today 2003(3) S.C. 277,** C.R.No. 62 of 2006 lodged at V.P.Marg Police Station, Mumbai and the proceedings pertaining thereto are quashed and set aside.

5. Writ Petition is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]